

law offices of  
**JONATHAN S. HORNE**

1158  
26th  
Street  
Suite  
535  
Santa  
Monica  
California  
90403

December 1, 1998

Via Fax (510) 286-0470

Chairman Robert Kirkwood and Conservancy Boardmembers  
California State Coastal Conservancy  
1330 Broadway  
Suite 1100  
Oakland, California 94612-2530

Re: Donahue Wildman

Dear Chairman Kirkwood and Conservancy Boardmembers:

As you may know, Mr. Wildman's property is encumbered by both a 25 foot wide offer to dedicate a public parking lot and a portion of a 10 foot wide offer to dedicate a pedestrian access easement. The parking lot covers the entire street frontage of Mr. Wildman's property and effectively prohibits access to his property except across the public parking lot. The pedestrian easement crosses his driveway, passes within 20 feet of his front door, cuts through a portion of his front lawn and protrudes directly within the line of sight between his living room/kitchen/patio and the Pacific Ocean.

Mr. Wildman has good reason to be concerned about the potential impact on his family and property which could result from the Conservancy's proposed plans for developing these easements. These concerns include very basic operational questions regarding how he will access his property and protect his family's privacy rights as proscribed by the Conservancy's Public Access Guidelines.

The Conservancy has already expended considerable time, effort and money on preparing a cost and feasibility study regarding development of the easements. Unfortunately, all this work has been done without any consultation or feedback from Mr. Wildman regarding any of his legitimate concerns. In fact, Mr. Wildman has never seen a set of plans and doesn't even know the most basic details regarding the extensive development program which the Conservancy is apparently contemplating for construction on his private property.

Mr. Wildman should have a meaningful opportunity to incorporate his concerns into the planning process before such plans are finalized. Mr. Wildman respectfully request the Conservancy direct its staff and project consultant, Chuch Rauw, to meet, confer and consult with Mr. Wildman before finalizing any plans regarding any potential development of the easements on my client's property.


Telephone  
310  
315  
0060

Fax  
310  
315  
1165

Chairman Kirkwood and Conservancy Boardmembers  
Page 2

Please have your staff contact me to clarify how the Conservancy  
will proceed in response to this reasonable request.

Very truly yours,



JONATHAN S. HORNE

cc: Don Wildman  
Allan Abshez





Bill Ahern  
Executive Officer

December 8, 1998

Jonathan S. Horne  
1158 26<sup>th</sup> Street, Suite 535  
Santa Monica, CA 90403

RE: Request from Mr. Wildman regarding Chiate-Wildman  
Public Parking and Public Access Easements

The Conservancy has received your written communication requesting input on the scope and content of the construction engineering and soils/geotechnical feasibility report which analyzes public parking and access improvements on the subject easements. The Conservancy has asked that I respond in writing to your request; this letter seeks to address the points raised in your letter and explain the Conservancy's course of action.

On January 23, 1997, the Conservancy authorized an analysis of the construction and engineering feasibility of installing public parking and public access improvements on the two Chiate-Wildman easements. Subsequently, the Conservancy authorized the Executive Officer to enter into a settlement agreement regarding the Conservancy authorization of the feasibility analysis.

In the intervening period, the Conservancy has engaged the services of private consultants to undertake the analysis and, on several occasions, made arrangements for the consultants to gain access to the easements to complete the work. During this long period, in which the Conservancy staff had many face-to-face, telephone, and written communications with yourself, there were numerous opportunities for Mr. Wildman to communicate his concerns regarding design and construction constraints. In addition, the settlement agreement itself underwent over ten drafts exchanged between the parties, and the subject agreement specifically outlines the process by which the Conservancy would share the results of the Rauw feasibility analysis.

The terms of the settlement agreement require the Conservancy to share a copy of the consultant report with the property owners within ten days of completion of the final report. It has always been the intention of the Conservancy staff to honor this obligation under the terms of the

1330 Broadway, 11th Floor  
Oakland, California 94612-2530  
510•286•4185 Fax: 510•286•0470

settlement agreement.

The Conservancy authorization of January 1997 is only a conceptual level of design for the construction and site feasibility of installing public parking and public access improvements on the easements. Contrary to the representations made in your letter, the feasibility analysis does not represent a final design for public parking or public access. In fact, comment on the feasibility report is not the only opportunity for Mr. Wildman, interested public agencies, or members of the general public to have input on the advisability or design of access improvements on the subject easements.

This is only one step in a multiple-step process of analysis, design and construction of any access improvements on the easements. At both the time of authorization of further design work, and at the time of authorization of the necessary environmental review, members of the public, interested agencies and the private property owners will have additional opportunities to communicate their concerns to the Conservancy regarding the design and construction of any access improvements.

In addition, the conceptual design included in the feasibility analysis already incorporates several features which address many of the points regarding privacy and site conditions raised by you, as a representative of Mr. Wildman, in many discussions with Conservancy staff over the past years (including privacy screening; security fencing and security gates and locks; minimal site disturbance, including minimal cut-and-fills; and maximum egress and ingress to the two private residences through the public parking easement). While it is true that the staff never specifically asked for input from you or Mr. Wildman during the consultant's work, as we have stated, it has always been the staff's intention to allow an opportunity for review and comment at the time agreed upon in the settlement agreement.

We hope to have a report by our consultant available for public release by the middle of December. At that time, we will offer all interested parties an opportunity to provide input to the Coastal Conservancy regarding the consultant report. This should provide Mr. Wildman with "a meaningful opportunity to incorporate his concerns into the planning process before (Wildman's letter underline) such plans are finalized". As we stated earlier in this memo, the purpose of the consultant report was not to provide final plans for design or construction.

Sincerely,

Bill Ahern  
Executive Officer